

**REMARKS**

Claims 11-14 and 20-24 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Claims 11-14 and 20-24 stand rejected under 35 U.S.C. 112, second paragraph.

Applicants respectfully submit that these rejections are now moot based on the present amendment in which claims 11-14 and 20-24 have been canceled without prejudice to more clearly set forth the invention in the newly added claims.

With respect to the Examiner's comments regarding the expression "first judgment counter...has been judged", Applicants have explained the meaning of "setting a judgment counter is response to...", that is especially pointed out by the Examiner, in "expressing numerically" ([0053] paragraph), and further, as the setting method, set forth in concrete "the judging counter set in response to ... own travel path" – see specification, ([0026], [0055] – [0075] paragraphs, Fig. 4, S304, S305, S308). As to the Examiner's comments regarding the expression "judges evacuation", Applicants have amended the claims to recite "judging that the preceding vehicle is not traveling in front of the travel path of the own vehicle ([0073] paragraph, Fig. 4, S311).

Claims 11-14 and 20-24 stand rejected under 35 U.S.C. 102(b) as being anticipated by Saneyoshi et al.

Applicants respectfully traverse this rejection based on the present amendment and the presentation of the new independent claim 29.

Applicants respectfully submit that the object of the present invention is to increase the accuracy of the preceding vehicle recognition technique and in contrast, the Saneyoshi et al. reference has an objective to increase the accuracy of the image recognition technique and Saneyoshi et al. do not disclose any details of preceding vehicle recognition. Hence, Saneyoshi et al. neither disclose nor suggest any constitution of the third to eighth means set forth in new claim 29.

Applicants respectfully submit that the subject matter of new claim 29 is neither disclosed nor suggested by the prior art and in particular by the Saneyoshi et al. reference. In other words, the histogram of the prior art that has been pointed out by the Examiner in the Office Action and is set forth in column 8, lines 11-22, prepared for each division of the distance image with the number of data for each deviation amount of picture elements with respect to the solid object of each division as the frequency. This is quite different from “a judging counter” as recited in claim 29. Applicants also respectfully point out that there is no description in the Saneyoshi et al. reference of the function of a “judging counter” as set forth in the newly added claims.

Moreover, in column 8, lines 50-55, there is merely described that it is possible to detect the forward vehicle and the pedestrian simultaneously. Any disclosure or suggestion is not found therein as to the deviation of the forward vehicle.

In addition, in column 5, lines 23-55 of the Saneyoshi et al., as pointed out by the Examiner, there is merely described that the distance image is divided by the group filter into groups having approximately the same deviation amount, the solid object data are extracted in the object data extracting section 41, and the object distance is detected in the object distance detecting section 42. Also, in column 8, lines 11 to 56, there is merely described as to the histogram and that by using the histogram, it is possible to detect the pedestrian and the forward vehicle.

Applicants respectfully submit that the present invention as embodied in newly submitted claims is neither disclosed nor suggested by the prior art references.

Consideration and allowance of newly added claim 29 are earnestly solicited at this time.

Claims 30-33 should be allowed as depending from what should be an allowed independent claim 29.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

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